

1 AARON D. FORD
Attorney General
2 JARED M. FROST (Bar No. 11132)
Senior Deputy Attorney General
3 State of Nevada
Office of the Attorney General
4 555 East Washington Avenue
Suite 3900
5 Las Vegas, Nevada 89101
(702) 486-3177 (phone)
6 (702) 486-3773 (fax)
Email: jfrost@ag.nv.gov

7 *Attorneys for Defendants*
8 *Regina Barrett, Christopher Harris,*
9 *Julio Mesa, and Timothy Knatz*

10
11
12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 LAUSTEVEION JOHNSON,

15 Plaintiff,

16 v.

17 REGINA BARRETT, *et al.*,

18 Defendants.

Case No. 2:17-cv-02304-RFB-VCF

**DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO REPLY
TO PLAINTIFF'S OPPOSITION TO
THEIR PARTIAL MOTION TO
DISMISS**

19
20 Defendants Regina Barrett, Christopher Harris, Julio Mesa, and Timothy Knatz, by
21 and through counsel, Aaron D. Ford, Nevada Attorney General, and Jared M. Frost, Senior
22 Deputy Attorney General, hereby request an additional fifteen (15) days to reply to
23 Plaintiff's Opposition to Defendants' Motion to Dismiss filed April 22, 2019 (ECF No. 27).
24 Defendants' request is made and based on the following memorandum of points and
25 authorities, the attached Declaration of Counsel, the pleadings and papers on file, and any
26 other evidence the Court deems appropriate to consider.

27 ///

28 ///

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. BACKGROUND**

3 This is a prisoner civil rights matter. Plaintiff filed his Complaint on September 1,
4 2017, while in the custody of the Nevada Department of Corrections (NDOC). ECF No. 1-1
5 (Complaint).

6 On October 30, 2018, the Court issued its screening order and stayed the case to
7 allow the parties to participate in a mediation conference. ECF No. 4.

8 On January 25, 2019, the parties participated in a mediation conference that did not
9 result in settlement. ECF No. 11.

10 On January 29, 2019, the Court granted Plaintiff's application to proceed *in forma*
11 *pauperis*, directed the Attorney General to file an Acceptance of Service, and lifted the stay.
12 ECF No. 14.

13 On February 19, 2019, the Attorney General accepted service on behalf of Regina
14 Barrett, Christopher Harris, Julio Mesa, and Timothy Knatz. ECF No. 15.

15 On March 21, 2019, Defendants filed a Motion to revoke Plaintiff's pauper status.
16 ECF No. 20.

17 On April 1, 2019, Defendant filed a Motion to Dismiss Plaintiff's Complaint in Part.
18 ECF No. 23.

19 On April 22, 2019, Plaintiff filed an opposition to Defendants' Motion to Dismiss.
20 ECF No. 27.

21 This request for an extension of time to reply follows.

22 **II. APPLICABLE LAW**

23 Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), the Court may extend the
24 time to perform an act within a specified time for good cause shown.

25 **III. ARGUMENT**

26 Defendants submit that good cause exists to extend the time to reply to Plaintiff's
27 Opposition to their Motion to Dismiss. Defendants' reply is currently due April 29, 2019.
28 Since Plaintiff filed his Opposition on April 22, the undersigned has reviewed the brief and

1 begun outlining a reply. Exhibit 1 (Declaration of Counsel). However, the undersigned has
2 been unable to complete a reply due to his responsibilities to meet deadlines in other cases.
3 *See id.* Further, the undersigned will out of the office on April 29, 2019. *Id.* Defendants
4 therefore request an extension of fifteen (15) days, or until May 14, 2019, to file their reply.

5 DATED this 26th day of April, 2019.

6 AARON D. FORD
7 Attorney General

8 By: /s/ Jared M. Frost
9 JARED M. FROST (Bar No. 11132)
Senior Deputy Attorney General

10 *Attorneys for Defendants*
11 *Regina Barrett, Christopher Harris,*
12 *Julio Mesa, and Timothy Knatz*

13
14 **ORDER**

15 **IT IS SO ORDERED.** Defendants shall have until May 14, 2019, to file a Reply to
16 Plaintiff's Opposition to Defendants Motion to Dismiss.

17 Dated this 29th day of April, 2019.

18
19 
20 RICHARD F. BOULWARE, II
21 UNITED STATES DISTRICT JUDGE
22
23
24
25
26
27
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Lausteveion Johnson, #82138
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419
Plaintiff, Pro Se

Page 4 of 4

EXHIBIT 1

Declaration of Counsel

EXHIBIT 1

1 AARON D. FORD
Attorney General
2 JARED M. FROST (Bar No. 11132)
Senior Deputy Attorney General
3 State of Nevada
Office of the Attorney General
4 555 East Washington Avenue
Suite 3900
5 Las Vegas, Nevada 89101
(702) 486-3177 (phone)
6 (702) 486-3773 (fax)
Email: jfrost@ag.nv.gov
7

Attorneys for Defendants
8 *Regina Barrett, Christopher Harris,*
Julio Mesa, and Timothy Knatz
9

10
11
12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 LAUSTEVEION JOHNSON,

Case No. 2:17-cv-02304-RFB-VCF

15 Plaintiff,

16 v.

DECLARATION OF COUNSEL

17 REGINA BARRETT, *et al.*,

18 Defendants.

19 I, JARED M. FROST, hereby declare, based on personal knowledge and/or information
20 and belief, that the following assertions are true:

21 1. I am a Senior Deputy Attorney General employed by the Nevada Attorney
22 General in the Litigation Division, and I make this declaration in support of Defendants'
23 motion for an extension of time in which to file a Reply to Plaintiff's Opposition to Defendants'
24 Motion to Dismiss.

25 2. Since Plaintiff filed his Opposition on April 22, the I have reviewed the brief
26 and begun outlining a reply. However, I haves been unable to complete a reply due to my
27 responsibilities to meet deadlines in other cases. Further, I will be out of the office on
28 April 29, 2019, as a regular day off.

1 3. My responsibilities to meet deadlines during the past ten days include: *Brown*
2 *v. State of Nevada*, Case No. 2:17-cv-00832 (mediation brief submitted 04/26/19); *Mizzoni v.*
3 *State of Nevada*, Case No. 2:17-cv-01482 (opposition to plaintiff's summary judgment motion
4 filed 04/25/19; *Carley v. Gentry et al.*, Case No. 2:17-cv-02670 (reply regarding defendants'
5 motion for summary judgment filed 04/24/19); *Mitchell v. State of Nevada*, Case No. 2:17-cv-
6 00686 (substantive response to motion to extend time filed 04/24/19); *Jackson v. State of*
7 *Nevada et al.*, Case No. 2:16-cv-00995 (reply regarding defendants' motion for summary
8 judgment filed 04/23/19).

9 4. This request is made in good faith and not for the purpose of delay.

10 Pursuant to 28 U.S.C. section 1746 Declarant certifies, under penalty of perjury, that
11 the foregoing is true and correct.

12 DATED this 26th day of April, 2019.

13 AARON D. FORD
14 Attorney General

15 By: /s/ Jared M. Frost
16 JARED M. FROST (Bar No. 11132)
 Senior Deputy Attorney General

17 Attorneys for Defendants
18 Regina Barrett, Christopher Harris,
 Julio Mesa, and Timothy Knatz